

KING & SPALDING

So ordered, nunc pro tunc.

SO ORDERED:

2/11/2025

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

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June 20, 2024

VIA ECF

Hon. Andrew L. Carter, Jr., United States District Judge
United States District Court for the Southern District of New York
40 Foley Square, Room 435, New York, NY 10007

Re: *Chelsea Hotel Owner LLC, et al. v. City of N.Y.*, 21-cv-3982 (ALC) (RWL)

Dear Judge Carter:

We write on behalf of Plaintiffs Chelsea Hotel Owner LLC, Ira Drukier, Richard Born, and Sean MacPherson pursuant to Rule 6.C.ii and Rule 6.D of your Individual Practices to request leave to file Exhibit 10 to Plaintiffs' Letter Response to Defendant's June 14, 2024 Letter under seal.

Defendant has designated Exhibit 10 as Confidential pursuant to the Stipulated Protective Order entered in this action. *See* ECF No. 51 ¶ 16. Plaintiffs have no independent basis for seeking a sealing order with respect to Exhibit 10 nor believe that the limited use of this document warrants maintaining Exhibit 10 under seal in its entirety. Plaintiffs seek leave to file under seal to allow the parties sufficient time to confer regarding the status of Exhibit 10 pursuant to the terms of the Stipulated Protective Order (*id.* ¶ 15) or for Defendant to move the Court for a sealing order consistent with Rule 6.C.ii and Rule 6.D of the Court's Individual practices.

In the event Defendant seeks to maintain Exhibit 10 under seal, Plaintiffs reserve the right to oppose such request and to seek unsealing, including on the grounds that Defendant's sealing request is not "narrowly tailored" to "preserve higher values" than the public's presumptive First Amendment right to access judicial documents in civil proceedings. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 125 (2d Cir. 2006).

Respectfully submitted,

/s/ Jennifer S. Recine

Jennifer S. Recine

cc: Counsel of Record via ECF